IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. APPLICATION NO.21 0f 2005

Ajay Mithulal Munot .. Applicant

vs.

Mrs. Archana Ajay Munot
& ors. .. Respondents.

M/s. Smita Mane i/b. P.B.Shah, Advocate for the Appellant.

Mrs. Archana Munot, Respondent No.1 in person.

CORAM : A.S.OKA, J.

DATED : 29th March, 2005.

P.C. :

1. Heard Counsel appearing for the Applicant and the Respondent No.1 in person. The prayer is for transfer of the petition No.123 of 2004 pending in the Family Court at Aurangabad to the Family Court at Pune. The ground for transfer is that the Applicant is unwell and he is unable to move. Reliance is placed on certificate of Doctor Abhijit Bhandari, Orthopaedic Surgeon, dated 10.2.2005.

2. The Respondent No.1, appearing in person has produced on record the certified copy of her Notes of Evidence. It shows that the evidence of Respondent No.1 has been recorded on 28.12.2004. The Respondent No.1 has been cross examined.

3. As the matter is part heard before the Family Court at Aurangabad, prayer for transfer cannot be considered. If Applicant has any disability, the applicant can always apply for recording his evidence on Commission.

4. No case of transfer is made out. The Application is rejected. No order as to cost.

5. Respondent No.1 is at liberty to withdraw the sum of Rs.5000/- (Rupees Five Thousand Only) deposited by the Applicant in this Court.

(A.S.Oka, J.)